

Michigan Senate  
Outdoor Recreation and Tourism Committee  
Senate Bills 508-510: Aquatic Invasive Species  
Hearing Testimony  
Patty Birkholz, Director  
Michigan's Office of the Great Lakes  
September 8, 2011

Good afternoon. I am Patty Birkholz, director of the Office of the Great Lakes. The mission of the Office is to lead policy development and implement programs to protect, restore, and sustain the world's premier freshwater resource. There is no greater need for Great Lakes protection right now than to stop new invasive species from becoming established in our treasured lakes. The Great Lakes cannot afford even one new invader, and, as invasions are irreversible, prevention is paramount.

We appreciate the Legislature's attention to this issue and thank the Committee for their time and consideration. My remarks are necessarily brief and so cannot possibly do justice to the breadth and depth of the problems caused by invasive species and to the need to prevent any new invasions of non-native species. In fact, significant progress over the previous three decades to restore the Great Lakes has been interrupted and undermined by the present crisis of aquatic invasive species (AIS).

Rigorous scientific study of the Great Lakes has shown that the effects of aquatic invasive species have been as devastating to the lakes as toxic pollution and habitat loss. One only has to look at the mess on our beaches caused by invasive mussels, our inland lakes filled with invasive plants, or our fish hooks full of invasive gobies to see just the surface of the changes. These and other species are costing the Great Lakes region hundreds of millions of dollars each year. And, existing measures to control species that are already established are woefully inadequate. Our use and enjoyment of the Great Lakes and our waters has been forever damaged by invasive species and it is our duty to protect the lakes from any further invasions.

The same rigorous scientific approach used to determine effects of invasive species has also provided us with the information we need to stop new species from invading. We know the primary pathways species use and we know much about what to do. Those pathways include maritime commerce, recreational activities, organisms in trade, and canals, among others. Effective regulations and prevention programs are underway or being developed for many of the pathways. Some of these are a result of Michigan's leadership on the issue.

Our state has played lead role for the past two decades. In 2005, the Michigan Legislature enacted the nation's first ever state ballast water regulations. Our state permit, requiring ocean-going vessels to treat ballast water or not discharge it in our ports, has provided both protection of our own waters and has been a driving force for federal regulations. Our permit was successfully defended in federal court and Michigan has continued to pursue legal remedies to move the federal government toward protective regulations by challenging the U.S. Environmental Protection Agency (USEPA) vessel general permit provisions related to ballast water. Michigan entered into a legal settlement with USEPA earlier this year and, as a result of

our actions and environmental organizations, the federal government is now in the process of drafting the next permit for ballast water to protect the entire country from species being transported around the world in ships. The Departments of Environmental Quality and Attorney General are in the midst of significant efforts as part of the settlement agreement. While support in these efforts is important, it should be recognized that based on the timeline and process already established by the settlement agreement, it may not be possible for the proposed council to be involved.

Michigan has also listed certain invasive species of plants and animals as prohibited. These prohibitions have served to protect the state from new species and from the spread of damaging species already here. However, there are many more invasive species in the world with the potential to make their way to Michigan via known pathways. Closing off the known pathways with a combination of actions is much more cost-effective than taking a species by species approach to prevention. All the efforts on prevention of Asian carp are an example of how costly and inefficient a species by species approach really is. It would be far better to look at all the pathways used by all invasive species and address those mechanisms comprehensively.

We are taking other steps by collaborating with others. I serve on the Asian Carp Regional Coordinating Committee with my colleagues in the Department of Natural Resources (DNR) and other state and federal agencies. In addition to those collaborations, the DNR released an Asian Carp Management Plan last year that addresses closing off the pathways that carp may use to get to Michigan. The plan also has recommended actions in the event that carp do slip through the "net" and find their way to our waters. Monitoring and rapid response to new invasions are integral to effective prevention and our state's work on Asian carp is exemplary in that regard.

Despite our best efforts to date, organisms in trade remain a significant method that invasive species can use to arrive in Michigan. Invasive species in trade are a world-wide problem, a Great Lakes problem, and a Michigan problem. With limited exceptions, the state currently has little authority or programs directed to closing the pathways used by invasive species in trade. Among the examples of that pathway in Michigan are invasive species that may be bought and sold for aquariums and water gardens, purchased on the Internet, and potential invasive species in aquaculture. Referring to Asian carp again, those species were in aquaculture ponds in the southern states when they escaped in floods of the Mississippi River to threaten the Great Lakes through the Chicago area waterways.

Actions needed for prevention of invasive species in trade are in recommendations from many federal and state planning efforts. As an example, the Great Lake Regional Collaboration, which had over 1500 participants across the region, established the need for a number of prevention actions on invasive species. One of highest priority recommendations in the Collaboration directly addressed invasive species in trade: "Federal and state governments must take immediate steps to prevent the introduction and spread of AIS through the trade and potential release of live organisms."

State efforts to solve the problem of invasive species in trade will need actions on a broad front, with engagement of many stakeholders on regulations, education, and monitoring. The proposed AIS Council in the package of bills would be an important mechanism for that engagement.

Based on the complex nature of the organisms in trade issue and the desired development of a comprehensive report, the timeline for organisms in trade report completion should be extended from 240 days to 365 days. We look forward to working with you to resolve this timeline issue.

On a broader note, our state's overall AIS State Management Plan is under revision in 2011 and the update will guide actions for prevention and control of all pathways used by invasive species. The plan was last updated in 2002 and much has happened in the last nine years. The new revision focuses on closing open pathways invasive species use to come to Michigan and comprehensively involves all stakeholders in the necessary actions. The plan will be submitted to the federal Aquatic Nuisance Species Task Force after a review and approval process this fall and early winter. The Task Force approves plans at the federal level under authority of the National Invasive Species Act. Having an approved plan in place provides Michigan opportunities for collaborating with federal agencies and for use of limited federal funding. The proposed AIS Council would play an important role in the AIS State Management Plan as it is implemented by potentially providing those same types of opportunities at the state level. However, based on the timeline presented in the proposed bills, namely providing the council 180 days to provide recommendations on the draft aquatic invasive species state management plan, could result in significant delays in the update process that is already underway. Every attempt should be made to finalize the update to the management plan as soon as possible.

The small team of staff working on the issue in our state agencies is currently funded by a federal grant that has a limited life through the Great Lakes Restoration Initiative. Successful prevention and control in Michigan will require creative and sustainable funding for a broad range of efforts. Effective actions will need broad support and involvement from agencies, businesses, organizations, and institutions. The proposed AIS Council would play a key role in those actions by fostering that support and involvement. The AIS Council itself would require substantial support from state agencies and those needs will also require creative and sustainable solutions.

In summary, there are many on-going activities in Michigan, some of which are on a pre-determined timetable and process. In several key areas, notably actions closing the organisms-in-trade pathway, implementation of the state management plan, and creative and sustainable funding recommendations, the proposed AIS Council would be a valuable mechanism for collaboration and support. There is a vast number of invasive species in the world that would like to call the Great Lakes home and our work of stopping them is vitally important to the economy and natural resources of Michigan. As I said in the beginning, I appreciate the committee's attention to this issue and I look forward to working with you as we move forward.

Thank you for your time this afternoon.

